

STATE OF NEW YORK

OFFICE OF THE ATTORNEY GENERAL

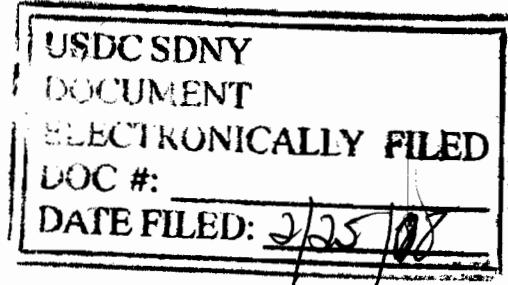
ANDREW M. CUOMO
Attorney GeneralCRIMINAL DIVISION
FEDERAL HABEAS CORPUS SECTION

(212) 416-6173

MEMO ENDORSED

Hon. Theodore H. Katz
 United States Magistrate Judge
 United States District Court
 for the Southern District of New York
 Daniel Patrick Moynihan
 United States Courthouse
 500 Pearl St., Room 1660
 New York, NY 10007

February 14, 2008

Re: Glenn White v. Warden, 07 Civ. 8072 (LAP) (THK)

Your Honor:

I am an Assistant Attorney General in the office of Andrew M. Cuomo, Attorney General of the State of New York, attorney for respondent in the above-referenced matter. For the reason that follows, respondent respectfully requests an enlargement of time to April 11, 2008, to respond to the petition.

By Order dated November 20, 2007, Your Honor directed respondent to file a response to the above-referenced petition by February 22, 2008. My Office received a copy of the trial transcripts on December 24, 2007. Last month, I started drafting a response to Mr. White's petition. In the process of drafting respondent's papers, I realized that although my office had the bulk of the state court record, we were missing a transcript of Ventimiglia Hearing (see People v. Ventimiglia, 52 N.Y.2d 350 (1981)). That transcript is necessary to respond to one of petitioner's claims. My office is actively attempting to secure this transcript. For this reason, respondent respectfully requests an extension of time to April 11, 2008 to respond to the petition.

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Mr. White is incarcerated, and I have not spoken to him regarding this request for an enlargement of time. This is respondent's second request for an extension of time in this matter.

Although respondent is requesting an enlargement to April 11, 2008 to respond to the petition, if a response can be filed earlier, it will be.

Thank you for your consideration.

Respectfully submitted,

Thomas B. Litsky
Thomas B. Litsky (TL-8976)
Assistant Attorney General
120 Broadway
New York, NY 10271

cc: Glenn White
03-A-4800
Great Meadow Correctional Facility
11739 StBox 51
Comstock, NY 12821-0051

The response to the petition shall
be filed by April 11, 2008. Any
reply shall be filed by April 30, 2008.

2/20/08 **SO ORDERED**
Theodore H. Katz
THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE

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